

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TERRY ALTMAN,

Plaintiff,

v.

ANTHONY E. D. KING, *et al.*,

Defendants.

Case No. 13-10614

HON. TERRENCE G. BERG

HON. MICHAEL HLUCHANIUK

ORDER REQUIRING RESPONSE

Plaintiff Terry Altman, a state prisoner presently confined in the Parnall Correctional Facility in Jackson, Michigan, is suing members of the Michigan Parole Board, claiming that their actions during a recent parole hearing violated his constitutional rights, including his right to due process.

On June 10, 2013, Defendants filed a motion to dismiss the complaint (Dkt. 9). The Court subsequently referred the matter to Magistrate Judge Michael Hluchaniuk for all pretrial proceedings (Dkt. 10). On June 24, 2013, Plaintiff filed a response to the motion to dismiss (Dkt. 11), and on November 11, 2013, Magistrate Judge Hluchaniuk issued a Report and Recommendation (Dkt. 12), recommending that the Court grant Defendants' motion to dismiss the complaint.

On November 14, 2013, Plaintiff filed an objection to the Report and Recommendation (Dkt. 13). In his objection, Plaintiff asserts that he is not arguing that he has any constitutional right to parole itself, but rather that the Fourteenth Amendment guarantees him the right to due process during all stages of the state's

discretionary parole process. (*See* Dkt. 13, Pl. Obj. pp. 4-10). In support of his argument, Plaintiff refers to *Williams v. Berrios*, No. 06-13303, 2007 WL 485348 (E.D. Mich. Feb. 9, 2007) (Roberts, J.) (citing *Wilkinson v. Dotson*, 544 U.S. 74 (2005)). Judge Roberts' Opinion and Order in the *Williams* case was not raised by the parties in their initial briefing before Magistrate Judge Hluchaniuk, although its facts are somewhat similar to the case at bar. In considering Plaintiff's objections, the Court has reviewed the *Williams* opinion, as well as the government's Motion for Reconsideration of Judge Roberts' Order, and the parties' subsequent stipulation dismissing that case.

Accordingly, Defendants are **DIRECTED** to respond to Plaintiff's objections on or before December 10, 2013. In particular, Defendants should address the question of whether Plaintiff's claim that the Michigan Parole Board failed to follow its own procedures constitutes a violation of Fourteenth Amendment's guarantee of due process of law, cognizable under 42 U.S.C. § 1983.

SO ORDERED.

Dated: November 19, 2013

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that this Order was electronically submitted on November 19, 2013, using the CM/ECF system; a copy of this Order was also mailed to the Parnall Correctional Facility, 1780 E. Parnall, Jackson, Michigan 49201, directed to Plaintiff's attention.

s/A. Chubb
Case Manager